S.B.CIVIL MISC. APPEAL NO.249/2007
(Smt. Hemi & Ors. Vs. Panchu Singh & Ors.)

Date :: 17th January 2007

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.Guman Singh Rathore, for the appellants.

For quantification of compensation to be awarded to the wife, daughters and parents of about 28 years old vehicular accident victim Nimba Ram, said to be earning while working as skilled labour at stone-mines, for want of any cogent evidence, the Tribunal has put an estimate on his income at Rs.3,000/- per month and after deducting 1/3 wherefrom and with application of maximum side multiplier of 18, has assessed pecuniary loss at Rs.4,32,000/- and allowing Rs.30,000/- towards non-pecuniary loss and Rs.5,000/- towards funeral expenses, has made the award in the sum of Rs.4,76,000/-; and has also allowed interest @ 7.5% per annum from the date of filing of the claim application.

The claimants seek enhancement over the amount so awarded by the Tribunal and it has been contended that the Tribunal has erred in taking the income of the deceased only at Rs.3,000/- per month and it ought to have been considered more than Rs.5,000/- per month.

There is no basis available on record for which income of the deceased could have been considered at Rs.5,000/- per month or more. In the overall circumstances of the case, the estimate put by the Tribunal cannot be said to be grossly inadequate or insufficient.

Having examined the award impugned, this Court is satisfied that the award of compensation made by the Tribunal cannot be said to be too low or inadequate so as to warrant any interference in appeal at the instance of the claimants.

The appeal fails and is, therefore, dismissed summarily.

[DINESH MAHESHWARI],J.

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